



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1430
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/753,363	01/02/2001	Zoran Obradovic	B-094	1685

7590

09/26/2003

Stephen R. Christian
BECHTEL BWXT IDAHO, LLC
P.O.Box 1625
Idaho Falls, ID 83415-3899

EXAMINER

HAMILTON, MONPLAISIR G

ART UNIT

PAPER NUMBER

2172

DATE MAILED: 09/26/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

24

Advisory Action

Application No.

09/753,363

Applicant(s)

OBRADOVIC ET AL.

Examiner

Monplaisir G Hamilton

Art Unit

2172

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 08 September 2003 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-25.

Claim(s) withdrawn from consideration: _____.

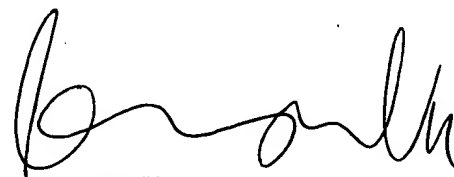
8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

Continuation of 2. NOTE: Claims 1-15 raise new issues and Claims 16-25 remain unpatenable.

Applicants have amended Claims 1 and 7 to further clarify the act of partitioning, the data set into a training set and a modeling set. This raises a new issue that requires further consideration.

Applicants have argued that the cited prior art does not disclose an act of inspecting the data set to perform statistical analysis. Applicants state that although Busche discloses being able to perform statistical analysis, this is not equivalent to the claimed act of inspecting. Examiner disagrees with applicant; Busche discloses that data mining techniques are used to delineate relationships between attributes within the data (col 2, lines 25-30). Furthermore, Busche discloses that the data mining techniques are performed on the attributes that are selected from the data set. Therefore, Examiner holds that Busche discloses the claimed act of inspection.

Finally, Applicants further argue that Hauwiller does not disclose providing recommendations as to how to achieve a predetermined target variable, and creating new spatial data mining methods. Hauwiller col 4, lines 35-45 discloses creating an application map that is used to achieve a desired output, crop yield (col 4, lines 55-60). Furthermore, Hauwiller discloses the use of recommendation equations, which can be derived from the user or empirical data (col 7, lines 25-30), are used to derive the application maps. (col 8, lines 35-40). Therefore, application maps are equivalent to the claimed recommendations. Furthermore regarding applicants' argument that Hauwiller does not disclose creating new spatial data mining methods, Examiner holds that Hauwiller discloses this limitation. Hauwiller discloses the use of an Expert system, which essentially uses different data mining techniques to determine relationships between data (col 6, lines 15-25). Finally the expert system is able to learn from its experience thereby essentially developing a new data mining techniques when it is executed on a subsequent occasion. Applicants' specification page 35 essentially states that all spatial data mining techniques can be implemented by the claimed invention and that new techniques may be added. Examiner holds that Hauwiller can add new techniques also because he discloses an expert system that can be updated based on its experience (col 3, lines 50-55). Therefore the claimed invention is unpatentable.



KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100